

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Kay T. Pender,)	
)	C/A No.: 3:04-1571-MBS
Plaintiff,)	
)	
vs.)	ORDER & OPINION
)	
South Carolina Office of the State Auditor,)	
)	
Defendant.)	
_____)	

Plaintiff filed this action in the Court of Common Pleas for Richland County, South Carolina on April 20, 2004. She alleged claims for gender discrimination and hostile work environment under Title VII of the Civil Rights Act of 1964. See 42 U.S.C. §§ 2000e et seq. Plaintiff also alleged a claim for age discrimination under the Age Discrimination in Employment Act, see 29 U.S.C. § 621 et seq., and a claim under the South Carolina Human Affairs Law, S.C. Code Ann. § 1-13-80. Defendant removed this action to this court on May 18, 2004 and moved for summary judgment on March 24, 2005. Plaintiff responded by filing a memorandum in opposition to summary judgment on May 11, 2005. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. On October 18, 2005, the Magistrate Judge filed a Report and Recommendation in which he recommended that Defendant's motion for summary judgment be granted.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

On November 7, 2005, Plaintiff sent a letter through her counsel, via facsimile, indicating that she does not object to the Report and Recommendation. In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). Nevertheless, the court reviewed the findings and recommendations of the Magistrate Judge. Having thoroughly reviewed the Magistrate Judge's recommendations, the court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. For the reasons stated, summary judgment is GRANTED and the case is dismissed *with prejudice*.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

November 14, 2005

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to the Federal Rules of Appellate Procedure.